

**Special Meeting Minutes  
Wednesday, February 18, 2009  
Meeting Scheduled Start Time: 2:00 PM**

**BOARD OF SUPERVISORS  
Maricopa County, Arizona  
(and the Boards of Directors of the Flood Control  
District, Library District, Stadium District, Improvement  
Districts, and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Sullivan Conference Room  
301 W. Jefferson, 10th Floor  
Phoenix, AZ 85003

## **BOARD OF SUPERVISORS**

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 2:00 PM on Wednesday, February 18, 2009, in the Sullivan Conference Room with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Bruce White, Deputy County Attorney.

### **1. EXECUTIVE SESSION**

Vote to convene in Executive Session to consider the items on the Special Executive Agenda dated February 18, 2009, pursuant to the statutory authority listed for each item.

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

#### **1. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4)**

##### **Chairman's Statement regarding County Attorney Conflict:**

I would like to note for the record that the Board has previously expressed concern about the adversarial positions that the County Attorney's Office has often taken against the Board. This concern has caused us to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. I would like to note that the Board in no way waives any conflict or ethical issues that exist as a result of the County Attorney's presence here.

##### **State of Arizona v. Maricopa County**

Joy Rich, Assistant County Manager, Planning and Development  
Chuck Kelhoffer, Outside Counsel  
Wayne Peck, Deputy County Attorney, County Attorney's Office  
Jean Rice, Deputy County Attorney, County Attorney's Office

**MEETING ADJOURNED**

Following discussion of the Executive Agenda item and there being no further business to come before the Board, the meeting was adjourned at 2:52 p.m.

ATTEST:

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Max W. Wilson, Chairman of the Board

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Fran McCarroll, Clerk of the Board